

MEMO ENDORSED

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November 8, 2022

Hon. Katherine Polk Failla
U.S.D.C., SDNY
40 Foley Square
New York, NY 10007

Cook v. Equifax et al
22 cv 3283

Dear Judge Failla,

I write with the consent of all counsel, to request an extension of the deadlines (including discovery deadlines) contained in the Court's scheduling Order by sixty (60) days.¹ Those deadlines have not yet expired and no prior extensions have been requested.

The extension is largely necessitated by two separate health issues which I faced in September and October. As the Court is aware, I am partially disabled. I underwent quadruple bypass surgery at the very end of May, 2020. I am dependent on numerous medications as a result, which are not always easily metabolized. Additionally, I suffer from serious, at times, debilitating arthritis, which not infrequently comes on without discernable cause. Apart from being profoundly painful (and unresponsive to analgesics), those episodes can make it impossible even to type or lift a coffee cup. I have had to seek emergency room treatment in the past because of arthritic processes and am increasingly in need of treatment with steroids or systemic medication to control swelling and other symptomatology. I am also diabetic, but through deliberate, disciplined intervention, have been in remission for the past 1.5 years.

I assure the Court that I always do my best to navigate my health issues; I do not like the resulting functional limitations nor do I

¹ This letter was circulated to all counsel, and consent was obtained prior to filing.

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like having to request accommodations. And I always work to my fullest capacity. However, I have also learned over the past few years that if I overwork in an effort to compensate after an episode, I can easily end up behind the 8 ball again.

In light of the above, I request an extension of the existing deadlines. I regret any inconvenience caused to the Court or opposing counsel as a result.

Very truly yours,

/s

Theodore Bohn

Cc: All counsel of record (via ECF)

The Court is in receipt of Defendant PRA's letter regarding Plaintiff's alleged failure to fully respond to PRA's discovery requests (Dkt. #103) and Plaintiff's above response. The Court is sympathetic to PRA's frustration and appreciates the parties' efforts to resolve their disputes privately before bringing them to the Court's attention.

In consideration of Mr. Bohn's ongoing health issues (*see* Dkt. #104), the Court GRANTS Plaintiff's request for a 60-day extension of the discovery deadlines defined in the Court's September 6, 2022 Case Management Plan and Scheduling Order (Dkt. #83). To that end, fact discovery will close on **February 6, 2023**, and expert discovery will close on **April 24, 2023**. The pretrial conference scheduled for January 4, 2023 is hereby ADJOURNED to **February 15, 2023**, at 11:00 a.m. This extension applies to all parties remaining in the case.

Additionally, PRA and Plaintiff are ORDERED to meet and confer on or before **November 18, 2022**, to discuss the alleged deficiencies in Plaintiff's productions to date (*see* Dkt. #103) and to agree on a timeline for Plaintiff to cure any deficiencies through supplemental production. If the parties are unable to agree on the scope of the outstanding materials, PRA may renew its request for a discovery conference.

The Clerk of Court is directed to terminate the motion at docket entry 103.

Dated: November 9, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE